

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUN 17 2019

Clerk, U S District Court
District Of Montana
Billings

DANIEL ROOT,

Plaintiff,

vs.

MONTANA DEPARTMENT OF
CORRECTIONS dba MONTANA
WOMEN'S PRISON, PAUL LAW and
ALEX SHROECKENSTEIN,

Defendants.

CV 18-164-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on May 23, 2019. (Doc. 13). The Magistrate recommended the Court grant in part and deny in part the Defendants' motion to dismiss for failure to state a claim. (Doc. 13 at 17).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews the Magistrate's Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

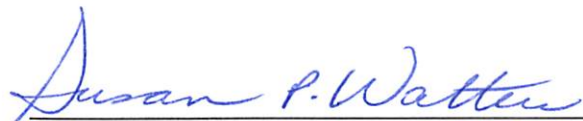
conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 13) are ADOPTED IN FULL.

IT IS FURTHER ORDERED the Defendants’ motion to dismiss be granted in part and denied in part as follows:

1. Count I against Law and Schroeckenstein be dismissed with prejudice;
2. Count II against Law and Schroeckenstein be dismissed with prejudice;
3. Count III against Law be dismissed in its entirety without prejudice;
4. Count III against Schroeckenstein be limited to the 2017 union grievance, and the remainder dismissed without prejudice.
5. Count III against the DOC be dismissed with prejudice.
6. The remainder of Defendants’ Motion to Dismiss be denied.

DATED this 17th day of June, 2019.



SUSAN P. WATTERS
United States District Judge